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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,420	07/30/2003	Walter Michael Pitio	BAY-010	7839

7590 05/25/2007  
Wilson & Ham  
PMB: 348  
2530 Berryessa Road  
San Jose, CA 95132

EXAMINER
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HOANG, THAI D

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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05/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/630,420	PITIO, WALTER MICHAEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thai D. Hoang	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 7/30/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Dove et al., US Patent No. 6,798,784 B2, hereinafter referred to as Dove.

Regarding claim 1, Dove discloses a switching system comprising:

a plurality of input/output ports 130s, see fig. 8, for transmitting and receiving telecommunications signal (a plurality of input/output (I/O) ports configured to receive and transmit telecommunications signal);

a switching core 133 comprising a plurality of switches 144, 146 (a switching core comprising a plurality of switching networks);

a backplane 39 (fig. 5) connecting each of the plurality of input/output ports of line units (LUs) to each of the plurality of switches 144, 146 in the switching core 133 transmit and receive communications signal from any of the input/output ports to any of the input/output ports 130s via one of the switches 144, 146 (a backplane connecting each of said plurality of I/O ports to each of said switching networks in said switching

core to effect a non-blocking path for each communications signal from any of said I/O ports to any of said I/O ports via one of said switching networks in said switching core).

Regarding claim 2, Dove teaches that each switch in the switching core 133 includes a switch unit 139 (GRX-GigaPoint Routing Cross-connect). GRX 139 further includes an arbiter 135 and a matrix 137 by which the conditioned data traffic arriving over the input side is switched to the appropriate output side, col. 12, lines 21-29 (wherein said switching system effects a non-blocking path via all of said switching networks in said switching core.)

Regarding claim 3, Dove teaches the switching core 133 comprising switches 144, 146 (wherein said switching core comprises a pair of switching networks.)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dove as shown above in view of Betts et al. (hereinafter Betts), US Patent No. 7,197,031 B2.

Regarding claim 4, Dove does not disclose the switching core comprises two pairs of switching networks. However, Betts discloses a switching network, wherein a switch core 12 comprises 4 switches 16a-d, see fig. 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply two pairs of

switches disclosed by Betts into Dove's system in order to reduce time delay for processing signal in the network.

Regarding claims 5-6, since the system disclosed by Dove does not comprise two pairs of switching networks; therefore, Dove does not disclose one or more of the plurality of input/output ports includes a switching network to effect connection through said backplane to both pairs of switching networks. However, Betts discloses the switch core 12 designed to map traffic received through each one of a plurality of input ports 4 to any one of a plurality of output ports 8, col. 5, lines 38-44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt two pairs of switches disclosed by Betts into Dove's system for advantages cited above with respect to claim 4.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jeffrey et al., US PAT No. 5,459,724 A, "ATM switching arrangement."

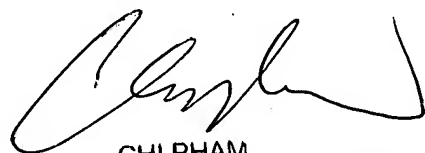
Patwardhan et al., US PAT No. 6,741,615 B1, "Methods and apparatuses for synchronizing data conversion of SONET framed data."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D. Hoang whose telephone number is (571) 272-3184. The examiner can normally be reached on Monday-Friday 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thai Hoang/

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER 5/22/08